



05/02/01



PATENT  
ATTORNEY DOCKET NO.: 80168-0101  
Client Matter No. P5091

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

jc903 U.S. PTO  
09/847044  
05/02/01

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: **Mark A. KAMPE; Dave PENKLER; and Rebecca A. RAMER**

For: **CLUSTER MEMBERSHIP MONITOR**

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.

2. The papers enclosed to obtain a filing date are as follows:

21 Pages of Application including

1 Title Page

13 Pages of Disclosure

3 Pages of Claims

1 Page of Abstract

3 Sheets of drawings containing 3 Figures

☐ The enclosed drawing(s) are photograph(s), and there is also attached a  
**PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S).**

3. Declaration for Patent Application **OR** Combined Declaration and Power of Attorney

☐ Enclosed and is executed by all inventors.

☒ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).

Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

4. Language

☒ English

☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- ☐ An assignment of the invention to Sun Microsystems, Inc., and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.
- ☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☒ Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/201,210	May 2, 2000
60/201,099	May 2, 2000

A. Relate Back - 35 U.S.C. §119(e)

- ☐ Amend the specification by inserting before the first line the sentence:  
"This application claims priority of copending provisional application(s)  
No. \_\_\_\_\_ filed on \_\_\_\_\_."

8. Small entity status

- ☐ This application claims small entity status under 37 C.F.R. §1.27.

9. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$710.00 Design \$310.00
Total Claims (37 C.F.R. §1.16(c))	15 - 20 =	0	\$ 18.00 each=	+\$ 0
Independent Claims (37 C.F.R. §1.16(b))	3 - 3 =	0	\$ 80.00 each=	+\$ 0
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$ 270.00	+
SUB-TOTAL =				+\$ 710.00
Fee for Assignment Document				\$ 40.00
Reduction by 1/2 for filing by a small entity				-\$
TOTAL FILING FEE =				\$ 750.00

10. Fee Payment



Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.



Enclosed.

A check in the amount of \_\_\_\_\_ representing \_\_\_\_\_ for the filing fee and \_\_\_\_\_ for the Assignment fee is enclosed.

11.



**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- ☐ Certificate under 35 USC 122(b)
- ☐ Combined Power of Attorney by Assignee and Certificate under 37 CFR 3.73(b)
- ☐ Change of Correspondence Address
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO- 1449, documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**HOGAN & HARTSON LLP**

Dated: May 2, 2001

By: 

Matthew T. Bailey  
Reg. No. 33,829

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